IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 403 OF 2007

Niranjan J. Shah ..Applicant
V/s
The Intelligence Officer
Narcotics Control Bureau & Anr. ..Respondents.

Mr. Subhash Jha, i/b M/s, Law Global Advocate for the applicant.

Mr. Sali, Special PP for respondent No.1.
Mr. U.V. Nikam, APP for the STate.

CORAM : J.H. BHATIA, J.

DATE : 8TH MARCH, 2007.

P.C.

. Heard Mr. Jha, learned Counsel for the applicant and Mr. Sali, learned Special PP for respondent No.1.

2. The applicant is in custody since April, 2003 in NDPS Special Case No.67/2003 for various charges including section 20B, 27A of NDPS Act. The applicant seeks bail mainly on the ground that the applicant is in custody for about 4 years. The trial has not came to an end. Mr. Jha has produced a chart indicating the

progress made in the the matter on 40 different dates beginning with 23rd March,2006 to 16th January, 2007. It appears that the present matter has international connections. The consignment of 565.2 Kg of Hashish was found by United States Direct Enforcement Administration at New York on 17/10/2002 and some suspects were arrested. Later on it was revealed that the present applicant had procured Hashish and has also financed the commission of the crime. Some witnesses may be required from abroad. It is pointed out that so far 8 witnesses are examined and 9 more witnesses are required to be examined. It appears that on certain occasions investigation officer was not present and on certain occasions Special Public Prosecutor was not available and that has caused delay.

3. Mr. Sali, learned P.P. on behalf of NCB makes a statement that every attempt will be made for early disposal of the case. Now there is no difficulty about the appearance of pubic Prosecutor also. Therefore it can be believed that the case will come to an end within the short time.

4. Taking into consideration the gravity of the

matter, merely because the present applicant is in custody for last about 4 years , I am not inclined to grant bail. However, it will be necessary to direct the early disposal of the case.

5. The application stands rejected. However, Special Judge is hereby directed to expedite the trial and to dispose of the same, as early as possible within next six months. The parties will not adopt delaying tactics in the trial. If the trial cannot be completed within six months, the Special Judge shall seek extension of time by giving reasons for the same.

(J.H. BHATIA, J.)